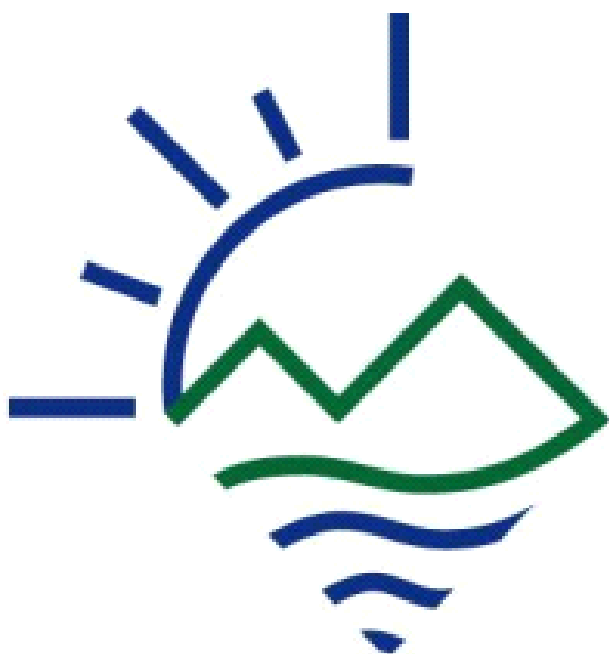


LEGISLATIVE SUMMARY REPORT



2010 Legislative Year

A compilation of legislation from the second half of the 2009-2010 Legislative Session affecting the Department of Toxic Substances Control

State of California

Arnold Schwarzenegger
Governor

Linda Adams
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DTSC Legislative Summary

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Introduction

This report summarizes all bills considered by the California State Legislature during the second legislative year of the 2009-10 Legislative Session that either directly or indirectly affect the Department of Toxic Substances Control's (DTSC) mission and programs. Bills noted as "Chaptered" were passed by the Legislature and signed by the Governor. Bills noted as "Vetoed" were passed by the Legislature but were rejected by the Governor (veto messages are included at the end of this report). Bills noted as "Dead" either failed passage in a policy or fiscal committee or on the floor of either house of the Legislature, or were no longer pursued by their authors. Bills noted as "2-year bills" have been tabled for the first year of the current legislative session, either because they did not meet their deadlines or because the author wants more time to work on them. These 2-year bills will get a second chance to be taken up at the beginning of the next legislative year within the current legislative session.

The report lists the bills in numerical order and by subject area. All signed bills, except for urgency, tax levy, election, and appropriation measures, which take effect upon the date of signing, take effect on January 1, 2011. Occasionally, different legislation amends the same section of law. In most of these instances, the language from the bill that was chaptered last (the higher chapter number) takes precedent and becomes the law.

Please direct all inquiries regarding this report to:

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Copies of the bills can be obtained from the Bill Room at the State Capitol. Bills and bill-related documents can also be viewed on the California Legislative Counsel's Internet site (<http://www.leginfo.ca.gov>).

<p><i>DTSC's 2010 Legislative Summary can also be viewed on its Internet site:</i> <i>http://www.dtsc.ca.gov</i></p>

Acronyms

AB	Assembly Bill
ARB	Air Resources Board
BDOs	Boards, Departments and Offices within Cal/EPA
BOE	Board of Equalization
BTH	Business, Transportation and Housing Agency
Cal/EPA	California Environmental Protection Agency
CalRecycle	California Department of Resources Recycling and Recovery
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CHP	California Highway Patrol
CUPA	Certified Unified Program Agency
DOC	Department of Conservation
DFG	Department of Fish and Game
DGS	Department of General Services
DHS	Department of Health Services
DPH	Department of Public Health
DPR	Department of Parks and Recreation
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
EIR	Environmental Impact Report
HCD	Department of Housing and Community Development
OEHHA	Office of Environmental Health Hazard Assessment
OES	Office of Emergency Services
OHS	Office of Homeland Security
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SR	Senate Resolution
SOR	Senate Committee on Rules
SEQ	Senate Committee on Environmental Quality
State	State of California
SWRCB	State Water Resources Control Board
US EPA	United States Environmental Protection Agency
UST	Underground Storage Tank

ASSEMBLY BILLS

AB 25 (Committee on Environmental Safety and Toxic Materials) Vetoed

This bill would have allowed transporters to receive one shipment of used oil from a generator who has a suspended identification number if certain requirements are met.

AB 177 (Silva) Chapter 342

This bill increases the period of certification revocation and suspension for violations of the requirement for participation of small businesses and disabled veteran business enterprises, as certified by the Department of General Services, in state agency contracts. This bill also revokes the disabled veteran business enterprise certification of the business if the business has both certifications and revises the types of costs payable to the state, among other related actions.

AB 289 (Galgiani) Vetoed

This bill would have required federal high-speed rail funds received on a reimbursement basis from the American Recovery and Reinvestment Act of 2009 (ARRA) to be deposited in the federal trust fund, and to be used for planning and engineering and for capital costs for the high-speed train system consistent with federal law, regulations, and specified provisions of SB 965 of the 2009-10 Regular Session. This bill was contingent upon the passage of SB 965.

AB 471 (Nava) Vetoed

This bill would have made technical, nonsubstantive changes to existing law that requires the Attorney General to perform specified duties with regard to providing state agencies with legal services. This bill would have made those provisions gender-neutral.

AB 499 (Hill) Vetoed

This bill would have made changes to the procedure by which a party may attack, review, set aside, void, or annul the determination, finding, or decision of a public agency, as provided under CEQA.

AB 658 (Hayashi) Chapter 346

This bill allows taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the California Police Activities League (CALPAL) Fund, as created by this bill.

AB 759 (Ma) Chapter 349

This bill revises the definition of an expatriate corporation, and excludes as an expatriate corporation a foreign incorporated entity that is publicly traded in the United States that meets specified conditions, as provided.

AB 967 (Ma) Vetoed

This bill would have authorized an elected mayor of a chartered city, while that person holds that office, to solemnize a marriage ceremony.

AB 1022 (Nava) Chapter 232

This bill establishes, within the Department of Justice, that there shall be a director responsible for coordinating California's response to missing persons.

AB 1204 (Huber) Chapter 357

This bill provides guidelines for appointed members to the El Dorado County Transportation Commission.

AB 1213 (Skinner) Vetoed

This bill would have required the Superintendent of Public Instruction be a member of the California Governor's Committee on Employment of People with Disabilities.

AB 1343 (Huffman) Chapter 420

This bill creates an architectural paint recovery program to be enforced by CalRecycle. By January 1, 2011, a manufacturer or designated stewardship organization must submit to CalRecycle, for approval, a stewardship plan to develop, and implement a recovery program to reduce the generation of postconsumer paint, promote the reuse of postconsumer architectural paint, and manage the end-of-life of postconsumer architectural paint in an environmentally sound fashion, including collection, transportation, processing, and disposal.

AB 1431 (Hill) Chapter 696

This bill renames the Board for Professional Engineers and Land Surveyors to the Board for Professional Engineers, Land Surveyors, and Geologists and makes conforming changes to membership requirements.

AB 1507 (Lieu) Chapter 571

This bill requires the ARB, by July 1, 2011, to revise guidelines for a project that reduces greenhouse gas emissions, to allow specified funds to be used for a project also funded under the Carl Moyer Memorial Air Quality Standards Attainment Program, without those additional public funds being factored into the criteria emission reduction cost-effectiveness calculations under that program.

AB 1585 (Committee on Accountability and Administrative Review) Chapter 7

This bill requires that a report submitted by a state or local agency to the Members of either house of the Legislature be submitted as a printed copy to both the Legislative Counsel and the Secretary of the Senate, and as an electronic copy to the Chief Clerk of the Assembly. The bill also requires that the summary of a report be submitted to the Members of the appropriate house by that agency, instead of by the Legislative Counsel. Finally, the bill requires the Legislative Counsel to maintain the list of state and local agencies' reports as specified.

AB 1659 (Huber) Chapter 666

This bill creates the Joint Sunset Review Committee to identify and eliminate waste, duplication, and inefficiency in government agencies and to conduct a comprehensive analysis of every "eligible agency," as defined, to determine if the agency is still necessary and cost effective.

AB 1674 (Saldana) Chapter 535

This bill makes changes with respect to the criteria that an underground storage tank is required to meet for an exemption from the hazardous waste containment requirements.

AB 1693 (Ma) Chapter 145

This bill modifies the building standards code adoption cycle and extends it to 18 months.

AB 1729 (Yamada) Chapter 237

This bill extends the time in which a member of the Armed Forces may receive the additional veterans' preference points for civil service examinations to 12 months after the establishment of the employment list.

AB 1765 (Solorio) Vetoed

This bill would have prohibited a state employee from being furloughed when the unemployment rate in California during the previous month reached or exceeded 8.5%, and the employee's position is at least 95% funded by the federal government, performs services that combat the state's recession, and works for the California Unemployment Insurance Appeals Board or the Employment Development Department.

AB 1824 (Monning) Vetoed

This bill would have additionally prohibited the use and sale of a chemical that is detrimental to a sewage disposal system, would list those chemicals, and would authorize DTSC to adopt regulations that identify additional chemicals determined to be detrimental to a sewage disposal system.

AB 1846 (V. Manuel Perez) Chapter 195

This bill authorizes the use of the focused environmental impact report for a project that consists solely of the installation of pollution control equipment or other components that are necessary to complete the installation of that equipment that reduces greenhouse gas emissions in compliance with a rule or regulation adopted pursuant to the California Global Warming Solutions Act of 2006.

AB 1899 (Eng) Vetoed

This bill would have required the office of the State Chief Information Officer to create and maintain a Reporting Transparency in Government Internet Web site, where the Department of General Services, the office of the State Chief Information Officer, and other state agencies would have been required to post specified audits and summary data regarding contracts awarded by the state. This bill also would have required the office of the Governor to post specified financial statements and reports to that Internet Web site.

AB 1930 (De La Torre) Chapter 368

This bill prohibits the manufacturing, selling, offering for sale, or offering for promotional purposes in this state, glass beads that contain more than a specified amount of arsenic or lead, if those glass beads will be used with certain types of blasting equipment.

AB 1963 (Nava) Chapter 369

This bill requires any laboratory that performs cholinesterase testing on human blood for an employer to enable the employer to satisfy his or her responsibilities for medical supervision of his or her employees who regularly handle pesticides pursuant to specified regulations or to respond to alleged exposure to cholinesterase inhibitors or known exposure to the inhibitors

that resulted in illness; to electronically report specified information in its possession on every person tested to the Department of Pesticide Regulation, which would be required to share the information in an electronic format with OEHHA and the DPH on an ongoing basis.

AB 1987 (Ma) Vetoed

This bill would have targeted the practice of “pension spiking” by requiring that any change in salary, compensation, or remuneration principally for the purpose of enhancing the benefits of a member of the California State Public Employees Retirement System would not be included in the calculation of a member's final compensation for purposes of determining that member's defined benefit. The bill also would have required the board of each state and local public retirement system to establish, by regulation, accountability provisions that would include an ongoing audit process to ensure that a change in a member's salary, compensation, or remuneration is not made principally for the purpose of enhancing a member's retirement benefits.

AB 2179 (Monning) Chapter 377

This bill grants to the City of Santa Cruz and the City of Long Beach, respectively, all the right, title, and interest of the state in certain trust lands pursuant to an agreement of the State Lands Commission.

AB 2202 (V. Manuel Perez) Vetoed

This bill would have required that any funds appropriated pursuant to this provision for the New River be consistent with the strategic plan developed by the California-Mexico Border Relations Council.

AB 2249 (Ruskin) Chapter 383

This bill, during the process of certifying and determining the eligibility of a small business or a disabled veteran business enterprise, requires an applicant or certified firm to submit to the Department of General Services a written declaration, under penalty of perjury, that all information submitted, including the additional information for disabled veteran business enterprises, is true and correct, and would authorize the department to require, in certain cases, a transcript of a tax return.

AB 2304 (Huffman) Vetoed

This bill would have made changes to the requirements for components of local groundwater management plans.

AB 2340 (Monning) Vetoed

This bill would have provided that, in addition to the right to take time off work without discharge or discrimination for a number of reasons, employees would also have the right to inquire about, request, and take time off for bereavement leave. The provisions of the bill would not apply to an employee who is covered by a valid collective bargaining agreement that provides for bereavement leave and other specified working conditions.

AB 2379 (Feuer) Chapter 386

This bill modifies requirements for DTSC to administer a technical assistance and outreach

program to promote implementation of model source reduction measures in priority industry categories. This bill would additionally require that at least one selected category of generators be a category that consists primarily of businesses that are affected by actions taken by the department that, among other things, identify and prioritize chemical or chemical ingredients in consumer products that may be considered a chemical of concern.

AB 2397 (Solorio) Vetoed

This bill would have provided that the employees, and the employer through the collective bargaining process, may mutually agree to extend the leave of absence under the above-described provisions beyond the one year period of disability, but that the extension may only be for a maximum of one additional year.

AB 2398 (John A. Perez) Chapter 681

This bill requires a manufacturer of carpets sold in this state, to submit a carpet stewardship plan, individually or through a carpet stewardship organization, to CalRecycle for approval. The plan must include specified elements, including a sufficient funding mechanism to carry out the plan, including administrative, operational, and capital costs of the plan, the payment of fees, and incentive payments. The bill requires a carpet stewardship assessment to be added to the purchase price of carpet sold in the state by a manufacturer to a California retailer or wholesaler or otherwise sold for use in the state, and would require each retailer and wholesaler to add the assessment to the purchase price of all carpet sold in the state.

AB 2408 (Smyth) Chapter 404

This bill makes conforming statutory codification changes made necessary by the Governor's Reorganization Plan.

AB 2437 (V. Manuel Perez) Vetoed

This bill would have authorized the California Industrial Development Financing Advisory Commission to establish the California Manufacturing Competitiveness Loan and Loan Guarantee Program for the purpose of attracting, retaining, and expanding manufacturing facilities, and would require the commission to establish guidelines for the implementation and oversight of the program, as specified.

AB 2494 (Blumenfield) Vetoed

This bill would have required a state agency to immediately discontinue a contract disapproved by action of the State Personnel Board (SPB) or its delegate unless ordered otherwise by the SPB or its delegate, and to serve notice of the discontinuation within 15 days. The bill would have prohibited the state agency from circumventing or disregarding the SPB's action by entering another contract for the same or similar services or to continue the services that were the subject of the contract that was disapproved.

AB 2565 (Ammiano) Chapter 210

This bill authorizes a public agency to charge and collect a reasonable fee from members of the public for a copy of an environmental document, as defined, that does not exceed the cost of reproducing the environmental document. The bill also authorizes the public agency to provide the environmental document in an electronic format.

AB 2696 (Bass) Chapter 396

This bill revises the duties of the Green Collar Jobs Council and authorizes the California Workforce Investment Board to accept any revenues, moneys, grants, goods, or services from federal and state entities, philanthropic organizations, and other sources, to be used for purposes relating to the administration and implementation of the strategic initiative. The bill authorizes the Employment Development Department, upon appropriation by the Legislature, to expend those moneys and revenues for purposes related to the strategic initiative and the award of grants, as provided.

AB 2738 (Niello) Chapter 398

This bill, from January 1, 2012, until January 1, 2014, recasts provisions in the Administrative Procedure Act to require that the Initial Statement of Reasons for a regulation proposed by a state agency shall include a description of any performance standard that was considered as an alternative to the proposed adoption, amendment, or repeal of the regulation.

ACA 4 (Gatto) Chapter 174

This constitutional amendment requires the Governor, in his or her proposed budget, to identify estimated total state resources available to meet recommended state expenditures and, further, to identify the amount of those resources that are anticipated to be one-time resources. The measure prohibits passage of a Budget Bill that appropriates an amount that, when combined with prior appropriations and transfers to the reserve account, exceeds the estimate of General Fund revenues, transfers, and balances available from the prior fiscal year. The measure requires the estimate of General Fund revenues, transfers, and balances to be set forth in the Budget Bill.

ACR 101 (Furutani) Chapter 36

This resolution proclaims May 2010 as Buy California Small Business First Month to raise awareness that when California consumers, businesses, colleges, universities, and governmental agencies choose to first support California small businesses when making purchasing decisions, a wave of positive economic impacts occurs within the state and local economies.

SENATE BILLS

SB 4 (Oropeza) Vetoed

This bill would have made it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state park system. The bill would have required that the ban on smoking be in effect in units of the state park system only if the district superintendent of the state park system has posted an order in accordance with state park regulations policy that prohibits smoking in those areas, and public notice of the proposed order has been provided for at least 30 days.

SB 228 (DeSaulnier) Chapter 406

This bill requires, beginning July 1, 2011, a manufacturer of a compostable plastic bag, meeting the specified standards to ensure that the compostable plastic bag is "readily and easily identifiable" from other plastic bags, in a manner that is consistent with the Federal Trade Commission Guides for the Use of Environmental Marketing Claims. The bill prohibits a compostable plastic bag sold or distributed in the state from displaying a chasing arrow resin identification code or recycling type of symbol in any form.

SB 346 (Kehoe) Chapter 307

This bill commencing on January 1, 2021, prohibits motor vehicle brake friction materials containing more than 5% copper by weight from being sold in the state, and, commencing on January 1, 2025, prohibits motor vehicle brake friction materials exceeding 0.5% copper by weight from being sold in the state.

SB 524 (Cogdill) Chapter 716

This bill provides that the County of Fresno has until June 30, 2015, to meet the maintenance of effort requirement applicable to counties, in order to receive a streets and roads allocation from the Transportation Investment Fund for the 2009-10 fiscal year.

SB 579 (Lowenthal) Chapter 504

This bill authorizes CalRecycle to issue grants to, or contract with, local governments, nonprofit entities, and private entities for the purpose of product advancements and developments in lubricating oil.

SB 730 (Wiggins) Vetoed

This bill would have required the Energy Commission, in evaluating energy efficiency investments, to ensure that local and regional interests, multifamily dwellings, and energy service industry capabilities are incorporated into an electrical corporation's energy efficiency program portfolio design, and to encourage participation from local governments, community-based organizations, and energy efficiency service providers in program design, revision, and implementation, where appropriate.

SB 855 (Committee on Budget and Fiscal Review) Chapter 718

This budget trailer bill provides for the deposit of the penalties collected to enforce the requirements of the hazardous waste control laws regarding lead-containing jewelry, toxic packaging, and lead wheel weights in the Toxic Substances Control Account (TSCA) and makes conforming changes with regard to those provisions. The bill authorizes DTSC to expend the money in TSCA to implement and enforce those provisions.

SB 929 (Pavley) Chapter 313

This bill prohibits a person from manufacturing, shipping, selling, offering for sale, or offering for promotional purposes children's jewelry that contains any component or is made of any material that is more than 0.03% cadmium by weight. This bill exempts from this prohibition any toy regulated for cadmium exposure under the federal Consumer Product Safety Improvement Act of 2008.

SB 977 (Hollingsworth) Chapter 315

This bill requires that the territorial jurisdiction of the Redevelopment Agency of the County of Riverside include (1) specified former agency territory now within the geographic boundaries of the City of Menifee or the City of Wildomar, and (2) specified territory within an island of unincorporated territory that is surrounded or substantially surrounded by the City of Indio.

SB 1028 (Correa) Chapter 316

This bill requires, until January 1, 2016, the members of the State Board of Equalization, meeting as a public body, to find, under specified circumstances, that it is inequitable to compute interest on a monthly basis, and to instead compute interest on a daily basis.

SB 1192 (Oropeza) Chapter 642

This bill expands the definition of customer facility charge to include a fee that is required by an airport to be collected for the purpose of financing, designing, constructing, and operating any common-use transportation system, as specified, and for acquiring vehicles for use in that system. This bill also authorizes an alternative fee following a hearing and finding by the airport, as provided, that the customer facility charge will not generate sufficient revenue to finance and operate the consolidated rental car facility and common-use transportation system.

SB 1217 (Committee on Public Employment and Retirement) Chapter 155

This bill authorizes an employee of the state to designate a primary person and up to 3 contingent persons for receipt of employee warrants upon death and requires, if the first-designated person predeceases the employee, that the next-designated contingent person who survives the employee receive these warrants. This bill also specifies that a corporation, a trust, or an estate may be a designated "person," entitled to receive these warrants pursuant to this provision.

SB 1330 (Committee on Judiciary) Chapter 328

This bill makes nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature.

SB 1365 (Corbett) Chapter 331

This bill corrects a cross reference to federal law in existing law which provides no person shall manufacture, sell, or exchange, have in his or her possession with intent to sell or exchange, or expose or offer for sale or exchange to any retailer, any toy that is contaminated with any toxic substance, as provided, including, but not limited to, paints and lacquers containing compounds of lead in excess of that permitted by federal law, as specified.

SB 1371 (Correa) Chapter 292

This bill allows an eligible recipient for funding for capital improvements to intercity and commuter rail lines and urban rail transit systems in connection with or otherwise related to the high-speed train system under the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to apply to the California Transportation Commission for a letter of no prejudice relating to those projects.

SB 1425 (Simitian) Vetoed

This bill would have targeted the practice of "pension spiking" provided that any change in salary, compensation, or remuneration principally for the purpose of enhancing a CalPERS member's benefits would not be included in the calculation of a member's final compensation for purposes of determining that member's defined benefit. The bill would generally require the board of each state and local public retirement system to establish, by regulation, accountability provisions that would include an ongoing audit process to ensure that a change in a member's salary, compensation, or remuneration is not made principally for the purpose of enhancing a member's retirement benefits.

SB 1444 (Hancock) Vetoed

This bill would have set forth various findings and declarations of the Legislature relating to science, technology, engineering, and mathematics (STEM) education.

SB 1454 (DeSaulnier) Vetoed

This bill would have prohibited the sale of a plastic product, as defined, labeled as "compostable" or "marine degradable" unless it meets American Society for Testing and Materials specifications or a standard adopted by CalRecycle, or unless the plastic product is labeled with a qualified claim for which the department has adopted an existing standard, and the plastic product meets that standard. The bill would have prohibited the sale of a plastic product that is labeled as "biodegradable," "degradable," "decomposable," or as otherwise specified.

SB 1456 (Simitian) Chapter 496

This bill provides, until January 1, 2016, that if a lead agency determines that a cumulative effect has been adequately addressed in a prior environmental impact report, in accordance with a specified procedure, that cumulative effect is not required to be examined in a later environmental impact report, mitigated negative declaration, or negative declaration.

SB 1477 (Committee on Environmental Quality) Chapter 414

This bill makes various changes to the financial and administrative provisions of the California Pollution Control Financing Authority Act, including changes to the definitions of "project," and "pollution control facility."

SB X8 29 (Steinberg) Vetoed

This bill would have exempted employees in positions funded at least 95% by sources other than the General Fund, employees of the Franchise Tax Board, and employees of the State Board of Equalization from furloughs implemented by any state agency, board, or commission.

SCR 70 (Hancock) Chapter 18

This resolution declared May 19, 2010, as the 22nd Annual State Scientist Day, as a tribute to the dedication and professionalism of the state scientists who work on behalf of all Californians.

BILL SUBJECT INDEX

Administrative

AB 177	Ruskin	Public contracts: small businesses and disabled veteran business enterprises.	Chapter 342
AB 471	Nava	Legal services.	Vetoed
AB 759	Ma	Public contracts with expatriate corporations.	Chapter 349
AB 1213	Skinner	Employment of persons with disabilities: California Governor's Committee on Employment of People with Disabilities.	Vetoed
AB 1585	Cmte on Accountability and Admin Rev	State government: reporting requirements: required repealer.	Chapter 7
AB 1651	De La Torre	Public Employees' Retirement Law: furloughs: retirement credit.	Chapter 574
AB 1659	Huber	State government: agency repeals.	Chapter 666
AB 1729	Yamada	Civil service examinations: veterans' preference.	Chapter 237
AB 1765	Solorio	Public employment: furloughs.	Vetoed
AB 1899	Eng	State agencies: information: Internet Web site.	Vetoed
AB 1987	Ma	Public retirement: final compensation: computation: retirees.	Vetoed
AB 2249	Ruskin	State government: small business or disabled veteran business enterprise certification.	Vetoed
AB 2340	Monning	Employee's right to bereavement leave.	Vetoed
AB 2397	Solorio	Workers' compensation: public employees: leaves of absence.	Vetoed
AB 2408	Smyth	State government information technology.	Chapter 404
AB 2437	V. Perez	State government: economic development.	Vetoed
AB 2494	Blumenfield	Personal services contracts.	Vetoed
AB 2738	Niello	Regulations: agency statement of reasons.	Chapter 398
SB 855	Cmte on Budget and Fiscal Review	Resources.	Chapter 718
SB 1028	Correa	State Board of Equalization: administration: interest.	Chapter 316
SB 1217	Cmte on Public Employment and Retirement	State government: warrants: employee designees.	Chapter 155
SB 1425	Simitian	Public retirement: final compensation: computation: retirees.	Vetoed
SBX8 29	Steinberg	Public employment: furloughs.	Vetoed

Bonds/Grants/Loans/Incentives

AB 2696	Bass	California Workforce Investment Board: Green Collar Jobs Council.	Chapter 396
SB 524	Cogdill	Transportation funds.	Chapter 716
SB 1371	Correa	Transportation: bond funded projects: letter of no prejudice.	Chapter 292
SB 1444	Hancock	Pupil instruction: science, technology, engineering, and mathematics education.	Vetoed

Brownfields

AB 1022	Nava	Missing children.	Chapter 232
SB 977	Hollingsworth	Redevelopment: Redevelopment Agency of the County of Riverside.	Chapter 315
SB 1464	Simitian	Land use planning.	Dead

CEQA

AB 289	Galgiani	High-speed rail.	Vetoed
AB 499	Hill	Environment: California Environmental Quality Act: determination: dispute.	Vetoed
AB 1204	Huber	El Dorado County Transportation Commission.	Chapter 357

AB 1846	V. Perez	Environment: expedited environmental review: climate change regulations.	Chapter 195
AB 2565	Ammiano	Environment: CEQA: lead agency: documents.	Chapter 210
SB 1456	Simitian	Environmental quality: cumulative effects and mediation.	Chapter 496
SB 1477	Cmte on Environmental Quality	California Pollution Control Financing Authority.	Chapter 414

Climate Change

AB 1846	V. Perez	Environment: expedited environmental review: climate change regulations.	Chapter 195
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Electronic Waste

No bills to report

Energy/Energy Efficiency

AB 1693	Ma	Building standards: code adoption cycle.	Chapter 145
SB 730	Wiggins	Energy efficiency.	Vetoed

Enforcement

SB 1330	Cmte on Judiciary	Maintenance of the codes.	Chapter 328
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Environmental Justice

No bills to report

Green Chemistry

AB 967	Ma	Marriages.	Vetoed
AB 1431	Hill	Geologists and geophysicists.	Chapter 696
AB 1507	Lieu	Motor vehicle greenhouse gas emission reduction projects.	Chapter 571
SB 929	Pavley	Hazardous materials: children's jewelry: heavy metals.	Chapter 313
SB 1365	Corbett	Public safety: consumer products.	Chapter 331

Hazardous Materials

AB 658	Hayashi	Taxpayer contributions: California Police Activities League (CALPAL) Fund.	Chapter 346
AB 1824	Monning	Hazardous materials: toxic chemicals: sewage systems.	Vetoed
AB 1963	Nava	Pesticide poisoning.	Chapter 369
SB 346	Kehoe	Hazardous materials: motor vehicle brake friction materials.	Chapter 307

Hazardous Waste

AB 25	Cmte on ESTM	Hazardous waste transportation: consolidated manifest	Vetoed
AB 1343	Huffman	Solid waste: architectural paint: recovery program.	Chapter 420
AB 1674	Saldana	Hazardous substances: storage tanks.	Chapter 535
AB 1930	De La Torre	Hazardous waste: glass beads.	Chapter 368
AB 2379	Feuer	Environmental protection: hazardous waste source reduction.	Chapter 386

Miscellaneous

AB 2179	Monning	Tidelands and submerged lands: City of Santa Cruz and City of	Chapter 377
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SB 228	De Saulnier	Long Beach.	Chapter 406
SB 1192	Oropeza	Plastic bags: compostable plastic bags.	Chapter 642
		Airports: rental car facility fees.	

Public Health

SB 4	Oropeza	Public resources: state beaches and parks: smoking ban.	Vetoed
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Recycling

AB 2398	J. Perez	Product stewardship: carpet.	Chapter 681
SB 579	Lowenthal	Used oil.	Chapter 504
SB 1454	De Saulnier	Recycling: plastic products.	Vetoed

Water

AB 2202	V. Perez	Safe, Clean, and Reliable Drinking Water Supply Act of 2012:	Vetoed
		New River Improvement Project: strategic plan.	
AB 2304	Huffman	Groundwater management plans: components.	Vetoed

VETO MESSAGES

To the Members of the California State Assembly:

I am returning **Assembly Bill 25** without my signature.

This bill allows a hazardous waste transporter, under certain circumstances, to receive one shipment of used oil from a generator whose identification number has been suspended. The Department of Toxic Substances Control (DTSC) already allows a conditional reactivation of a suspended identification number for 30 days for generators and transporters. Given this existing process, this bill would simply create additional bureaucracy and reporting requirements for a subset of transporters and generators and do nothing to reduce the number of suspended identification numbers or streamline the reactivation process.

Instead, I am directing DTSC to evaluate its current system, identify inefficiencies and implement changes, where appropriate, to ensure the safe and legal collection and transportation of hazardous waste.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 289** without my signature.

This bill would direct the expenditure of federal funds without going through the regular budget review and development process. This budget process is designed to ensure both the Administration and the Legislature can provide input regarding the way in which funds are spent.

For this reason, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 471** without my signature.

This bill makes technical, non-substantive changes to Government Code provisions concerning the Attorney General's representation of state agencies and its authority to represent the state in certain specified actions.

This bill is unnecessary. Moreover, these types of changes should be included in a larger omnibus bill rather than a standalone bill.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 499** without my signature.

This bill makes several changes to the California Environmental Quality Act (CEQA) under the guise of CEQA streamlining. Unfortunately, it appears to simply be a back-door attempt to lessen the legal requirements for those who seek to challenge projects under CEQA. Current CEQA law requires the dismissal of a lawsuit if the plaintiff fails to name a real party in interest. This bill eliminates that dismissal and instead requires the court to grant the petitioner additional time to find a real party in interest and give them notice. By doing so, it gives plaintiffs multiple bites at the apple to file CEQA lawsuits. The bill also requires a lead agency to list only the project applicant in its notice. I vetoed a similar bill in 2008 due to my concerns that it placed upon the lead agency a new liability for actions not directly related to its review of a project. Additionally, simply listing the project applicant omits other parties who may have legal standing and could infringe upon their constitutional right to due process.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 967** without my signature.

This measure would add mayors of charter cities to the list of persons authorized to solemnize marriages in the State of California. While I have no objection to allowing mayors to solemnize marriages, this measure draws an unwarranted distinction between mayors of chartered cities and mayors of other incorporated cities. As a result, duly elected mayors within the same county would have different obligations under the law, which, in turn, could create confusion and additional burdens on county clerks' offices.

Since there is no reason to make such a distinction between mayors of chartered cities and other cities, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 1213** without my signature.

This bill would add the Superintendent of Public Instruction to the California Governor's Committee on Employment of People with Disabilities. While adding the Superintendent to the committee would offer another point of view for the committee, this measure would divert resources away from the State Department of Education in a time of fiscal crisis.

Consequently, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 1765** without my signature.

This bill would exempt specified employees from being subject to any furloughs. While there may be a need to exempt specific employees from furlough, that exemption should be determined on a case-by-case basis depending on the exigencies of the fiscal crisis.

By statutorily exempting certain employees from furloughs, this bill limits a Governor's discretion to tailor a furlough policy to appropriately meet the needs of the State.

For this reason, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 1824** without my signature.

This bill prohibits the sale and use of a specified list of chemicals in chemical toilets and waste facilities of recreational vehicles. Current law already gives the Department of Toxic Substances Control (DTSC) the ability to address the issue of chemical toilet products in recreational vehicles. Additionally, DTSC has the ability to address this issue through the Green Chemistry process. This bill presents a scenario that is ripe for a Green Chemistry approach: competing science on each side of the issue; concern about the effectiveness of alternative products for the consumer's intended use; consumer reaction in the wake of an ineffective alternative; and questions as to whether banning particular chemicals will actually address the underlying problem. Neither I, nor members of the legislature, are best equipped to answer these questions.

We need science and scientists to undertake this challenge and develop a solution that both addresses the chemical problem and provides the consumer with a product that is both economical and effective for its intended purpose. Under the leadership of my Secretary for Environmental Protection, the Green Chemistry process is well underway at DTSC. We will have regulations adopted by January 1, 2011 and DTSC should address the issue raised in this bill either in that process or under their existing authority.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 1899** without my signature.

I strongly support the goal of transparency in government and believe that posting information online is a simple method of achieving this goal and allowing citizens information about how their tax dollars are spent. For that reason I have issued executive orders directing posting of this type of material to the Reporting Transparency in Government Web site. As such, this bill is not necessary.

For this reason I cannot sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 1987** without my signature.

The practice of pension-spiking is a serious one that deserves significant attention by the Legislature in curbing the unacceptable manner in which individual workers are able to artificially boost their retirement payouts. There are numerous examples of public employees taking home larger pension checks in retirement than what they earned in base salary when they were actually working.

California does need a consistent standard that is transparent, understandable, and implementable throughout the state. While this bill purports to address this issue by segregating out some of the factors that have allowed pension spiking, in some instances it still allows local pension boards to determine what is ultimately counted in an employee's pension calculation. This does not provide a consistent treatment of all employees. The taxpayers of California deserve better. I am still hopeful that the Legislature can send me acceptable pension reform legislation.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 2202** without my signature.

This bill states the intent of the Legislature that funds appropriated from the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 be consistent with the strategic plan for the New River Improvement Project (Project) as developed by the California-Mexico Border Relations Council.

This bill is premature. After the bond passes in November 2012, the author can do more than just state the Legislature's intent, he can actively fight to ensure the bond funds are spent consistent with the Project's strategic plan. And I encourage him to do so at the appropriate time.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 2304** without my signature.

This bill requires local water agencies to map the recharge areas that substantially contribute to the replenishment of a groundwater basin. The bill also requires the agencies to submit these maps to local planning agencies and expand public notification when preparing and approving groundwater plans. I am concerned about the impact this bill could have on privately-owned properties, both those currently used as recharge areas and those that might be used in the future. Once mapped and those maps are provided to local governments, the bill intends that these lands will be rezoned to restrict their use to being a groundwater recharge area.

Property law in California already allows landowners and water districts to work outside of the watchful eye of government and come to a private agreement about how they can manage both their land and water resources. Although not perfect, maintaining this current system allows them to work together to develop solutions. An area that serves as a recharge basin today probably isn't the only place that can be used to recharge a groundwater basin. And areas that are currently used for this purpose might be better put to some other use in the future. Unfortunately, this bill would eliminate this type of flexibility and negotiation between a landowner and a water district.

For this reason, I am unable sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 2340** without my signature.

This bill would prohibit an employer from discharging, disciplining, or in any way discriminating against an employee for inquiring about, requesting, or taking up to three days of unpaid bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner. The bill would allow an employee who believes he or she has been discharged, disciplined, or discriminated against to file a complaint with the Division of Labor Standards Enforcement or bring a civil action in court.

This bill is nearly identical to Senate Bill 549 (Corbett, 2007), which I vetoed. While well-intended, the choice of whether or not to offer unpaid bereavement leave should be left to the employer. Further, this bill would impose new and somewhat ambiguous burdens on businesses as well as subjecting them to new threats of litigation over California-specific employment laws. During this challenging economic period, I am unwilling to add new burdens on them and subject them to new grounds for lawsuits.

For these reasons. I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 2397** without my signature.

This bill would amend Labor Code section 4850 to provide that an injured employee and his or her employer may mutually agree to extend the employee's leave of absence without loss of salary in lieu of temporary disability payments or maintenance allowance payments beyond the one year period of disability.

I appreciate and value the duties of public servants who perform difficult and dangerous tasks that risk their lives. However, as we have seen with the current pension crisis, there is often an inclination to add special benefits and compensation to unsustainable levels. I am unwilling to facilitate this lack of fiscal responsibility by creating potentially new costs for public entities administering the public's money.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning **Assembly Bill 2494** without my signature.

The abrupt termination of contracts that may be providing critical services could leave departments unable to meet their programmatic responsibilities and cause unknown fiscal and operational problems. Furthermore, it is unclear if the immediate discontinuation of a contract as a result of this bill may conflict with the termination language in the terms and conditions of that contract. Ultimately, this bill makes the process of contracting for personal and consulting services more complicated and will only result in greater expense to the taxpayer.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning **Senate Bill 4** without my signature.

This bill would impose a ban on smoking in parks and coastal beaches owned by the state of California. While I understand and appreciate the intent of the author with respect to addressing the issues of public health protection, fire hazard mitigation and marine debris avoidance, I am unable to sign this bill for several reasons. First, I believe this bill is an improper intrusion of government into people's lives. I have supported laws in the past that tackle the problem of smoking indoors and smoking in cars with children. But, by mandating in state law that people may not smoke outdoors in certain areas, this bill crosses an important threshold between state power and command and local decision-making. There is something inherently uncomfortable about the idea of the state encroaching in such a broad manner on the people of California.

Current law already allows discretion by local governments and the Department of Parks and Recreation (Department) to ban smoking in parks and beaches under certain circumstances. The Department has exercised its authority throughout the state and has already banned smoking in several areas where fire hazards exist. Additionally, cities and counties throughout the state have appropriately exercised their authority and banned smoking in many parks under their jurisdiction. I think this is a discretionary decision that is best left with the Department and local government. With respect to marine debris, I understand the challenge cigarette butts cause to our beaches and marine life. But, this bill applies the ban solely to those beaches and parks owned and operated by the state of California. When considering the contiguous nature of state-owned and locally-owned beaches, the purpose of the bill is undermined if the difference between legal activity and illegal activity is literally a line in the sand. As we have seen, marine debris and litter know no boundaries. I believe a more appropriate response is to increase the fines and penalties already in law for littering in our parks and on our beaches.

For these reasons I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning **Senate Bill 730** without my signature.

This bill requires the California Public Utilities Commission (CPUC), when evaluating energy efficiency investments, to ensure that regional climate protection authorities, local governments, community-based organizations and energy efficiency service provider have an opportunity to participate in energy efficiency program design.

This bill is unnecessary. The CPUC already has in place a public process that allows all interested stakeholders, including local governments and others, to participate in its energy efficiency proceedings. I am concerned about including in statute a mandate that certain entities should be included in these activities. The CPUC should continue their current practice of ensuring that all entities are able to participate in its proceedings.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning **Senate Bill 1425** without my signature.

The enactment of this bill is contingent upon the enactment of Assembly Bill (AB) 1987 (Ma). I am vetoing AB 1987 because it does not provide real pension reform. I am still hopeful that the Legislature will pass an acceptable bill that really addresses California's pension problem.

For this reason, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning **Senate Bill 1444** without my signature.

While I strongly support science, technology, engineering, and mathematics (STEM) education, this bill does nothing to promote real opportunities for STEM education. This bill could create unintended, potential barriers by preventing California from applying for and receiving funds for STEM-related programs, if grant requirements or competitive priorities are not consistent with the definition outlined in the bill. This bill could create confusion and limit future STEM education efforts.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning **Senate Bill 1454** without my signature. This bill greatly expands existing environmental labeling requirements for plastic bags and plastic food and beverage containers to apply to virtually any and all types of plastic products. I have signed into law the author's SB 228, which requires manufacturers of compostable plastic bags meeting specific American Society for Testing Materials (ASTM) standards to ensure that the bag is readily and easily identifiable from other plastic bags.

I think that bill represents a reasonable next step in providing information to the consumer and recyclers about the differences in biodegradable products. I am concerned about the much more expansive universe of plastic products that this bill would regulate and the unforeseen consequences that could result from such a vast expansion.

For this reason, I am unable sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning **Senate Bill X8 29** without my signature as it would undermine necessary actions taken to achieve budgetary and cash solutions.

This bill would exempt state civil service employees funded at least 95 percent by sources other than the General Fund, and employees of the Franchise Tax Board and the State Board of Equalization from furloughs. This bill also prohibits state agencies, boards, and commissions from implementing, or assisting with the implementation of, furloughs for such employees. State employees throughout California are hard-working public servants who play a vital role in providing services to millions of Californians. But the depth and breadth of the state's unprecedented fiscal crisis required the state to achieve immediate budgetary savings in all areas of state government including state payroll. That is why I implemented the furlough program last year as a temporary measure to achieve savings and to also provide the state with an additional cash management tool. It was also intended as a way to achieve savings in employee compensation as an alternative to deeper state employee layoffs. And, as I indicated in my budget proposal, the current furlough program will end as scheduled on June 30th. Instead, I have proposed a package of employee compensation savings to be enacted by the Legislature. It is necessary to apply furloughs across the board, with limited exemptions as needed to protect public health and safety, to effectively manage the workforce, and to avoid inequities and morale problems for state employees.

Further, this bill as written would be difficult, if not impossible to implement. Many positions are funded through multiple funding sources, and as such it is not always possible to determine if they are funded at least 95 percent by sources other than the General Fund. Finally, this bill would limit the ability of future Governors to implement furloughs during a fiscal emergency. It is imperative that Governors have maximum flexibility to address such emergencies. As this is a matter presently before the courts, attempts to legislatively limit Governors' furlough authority are premature until a final judgment has been made.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

SIGNING MESSAGES

To the California State Legislature:

I am signing **AB 231 and SB 1456**.

AB 231 amends the California Environmental Quality Act (CEQA), to allow the lead agency for a later project that uses a tiered environmental impact report (EIR) to incorporate, by reference, a previous finding of overriding considerations for the earlier project if certain conditions are met. Of merit is the fact that this bill allows public entities some relief from the unfair political backlash that often occurs because they are required to override the same potential impact over and over again.

SB 1456 amends the CEQA regarding: 1) tiering and cumulative impact analysis; 2) mediation; 3) the ability of the Attorney General to request an expedited litigation schedule; and, 4) filing a motion for frivolous actions. Requiring project opponents to base CEQA claims on specific objections made during their participation in the public process will prevent project opponents from piggy-backing off of the comments and arguments of others to establish standing to sue.

Other than the provisions mentioned above, these bills are 99% garbage. Though small steps in the right direction, neither I nor the Legislature should fool ourselves into thinking that these bills even make a dent in the problems caused by CEQA's spaghetti-like requirements. I am greatly disappointed that the Legislature did not see fit to send to my desk a more substantive bill this legislative session designed to reduce widespread and rampant abuses plaguing the CEQA process abuses which are made possible by complex and overly bureaucratic requirements in the present law.

Serious legislative reforms to curb these abuses have been thwarted by interest groups at every turn, resulting in ineffective piecemeal legislation that does little to solve inherent flaws in law. Regrettably, our environmental laws and regulations often stand in the way of our environmental goals. Moreover, opportunists use these laws to prevent reasonable management of environmental resources while simultaneously forcing huge expenditures of taxpayer dollars.

As Governor, I have been frustrated to find that even our most routine environmental statutes present obstacles for public projects deemed good for the environment, ranging from things like building hiking trails to licensing renewable energy projects designed to provide clean, reliable, sustainable energy while spurring job creation in this State. There can be no doubt that the opportunistic user of CEQA is, by far, the worst offender, providing needless fodder to special interest groups bent on miring necessary and worthwhile development in years of litigation, uncertainty, and additional expense.

Consequently, next year's crop of state lawmakers, including the next Administration, will again face the unique challenge of reining in CEQA abuses in the face of blind opposition determined to maintain an unworkable status quo. It is my fervent hope that these policymakers pursue substantive and lasting reforms to CEQA that will serve to showcase California as an exemplary steward of the environment, as well as a place for creative innovation and dynamic

economic growth.

Sincerely,

Arnold Schwarzenegger